



10-13-05

IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

BRETT ASHLEY RODERICK

APPLICATION NO.: 10/810,409

GROUP ART UNIT: 3654

FILING DATE: 3/26/2004

EXAMINER: ESTHER O. OKEZIE

TITLE: HANGER HOISTER TOOL

CONFIRMATION NO.: 8915

DATE: OCTOBER 11, 2005

ATTY. DOCKET: JH03-182

Honorable Commissioner of Patents and Trademarks  
U.S. Patent & Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE

This Response is addressed to the Office Action mailed July 28, 2005.

Claims 1, 6 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by Lambson. The specific basis for rejection of Claim 1 are set out and responded to below. Claim 1(b) requires legs rigidly connected to said body and extending upward from said body. While Lambson arguably has legs (3) they are not rigidly connected. The legs in Lambson are adjustable. In addition, the legs in Lambson extend outward and not upward. It is necessary that the Lambson legs extend outward because they extend to grab the board and they are cupping the top of the board and therefore they cannot extend upward, but instead must extend outward.

Claim 1(c) covers a means for holding a bracket having a heel and two upright members when inserted between said legs comprising a pedestal keel extending outward from said body. Number 14 identified as the pedestal keel in Lambson by the Examiner is not in fact a pedestal keel. It does not hold the bracket and is simply the hammer transfer device for securing the bracket, but in any event, does not hold it. It should be noted that the bracket is inserted outside the legs in Lambson wherein the bracket in the present invention is inserted inside the legs. The Lambson alleged pedestal does not support anything and instead is really a spacer and not a pedestal.

The pedestal tongues extend outward in the opposite direction of the pedestal keel away from said body. Lambson's 8 and 9 identified by the Examiner as pedestal tongues are simply stop surfaces and not a pedestal. 8 and 9 don't support anything, they are simply spacers.

In number 3, regarding Claim 6, Lambson simply doesn't have and would have no reason to have the offset. In Lambson there is no need for an allowance because Lambson hooks onto the top of the ledger board. It is supported by the top of the board and is not impacted by the thickness of the bracket. Their bracket is pressure-fit and again Lambson holds the inside of the bracket as opposed to the outside of the bracket in the current invention. There is no need to address numbers 5, 6 and 7, as they are dependent on Claim 1.

The Applicant maintains that Lambson clearly does not disclose the current invention and for the reasons as set forth above, the current invention is clearly patentable over Lambson. Reconsideration is requested and if the Examiner is not inclined to grant the application based on the above, then the Applicant requests either a teleconference or a meeting with the Examiner to present the above and to address any questions the Examiner may have.

Respectfully submitted,



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October 11, 2005